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2007 NOV -2 PM 4:3

In re Application of:	§	
	§	
Ronit EISENBERG et al	§	
	§	
Serial No.: 10/009,809	§	
	§	
Filed: April 26, 2002	§	Group Art Unit: 1644
	§	
For: NOVEL ANTI-ALLERGIC AGENTS	§	
	§	Attorney Docket: 30836
	§	
Examiner: Chun Crowder	§	

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2801

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on May 1, 2006.

Applicant, through inadvertent mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

The authorized charge was then debited from Applicant's Deposit Account 501407. It is requested that the excess charge, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the error are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 150 for 6 additional claims over 20 even though the above claims had been previously been paid for and no new claims over those that were previously paid for were introduced with the filing of the RCE. These charges were debited on May 2, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached

May 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Code 2202) were not required and paid by mistake.

A refund of \$ 150 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account. This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

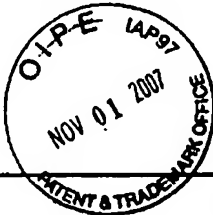
Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: October 30, 2007



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	10/009,809
	Filing Date	April 26, 2002
	Examiner Name	Patrick J. Nolan
	First Named Inventor	Ronit EISENBERG
	Group Art Unit	1644
	Attorney Docket Number	30836

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. ☒ **Enclosed**
 - i. ☒ **Amendment/Reply**
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ **Other Three (3) Month Extension Fee**
 - v. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for
a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

			SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	x \$ 360	\$
Total Claims	26 - 20=	6	6 x \$ 25	\$ 150	x \$ 50	\$
Independent Claims*	3 - 3=	0	0 x \$ 100	\$ 0	x \$ 200	\$
			TOTAL	\$545	TOTAL	\$

☒ The Commissioner is hereby authorized to charge \$545.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No.	40,338
Signature		Date	May 1, 2006

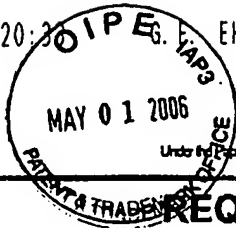

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Deposit Account Statement

Requested Statement Month: May 2006
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Address: 2001 JEFFERSON DAVIS HIGHWAY
City: ARLINGTON
State: VA
Zip: 22202
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/01	207	60774677	31615	8021	\$40.00	\$75,702.55
05/01	208	10570789	31688	8021	\$40.00	\$75,662.55
05/01	21	60795552	31875	2005	\$100.00	\$75,562.55
05/01	489	PCT/IL05/01048	30587	1605	\$600.00	\$74,962.55
05/01	490	PCT/IL05/01048	30587	1705	\$155.00	\$74,807.55
05/01	99	29258585	31736	8021	\$40.00	\$74,767.55
05/02	99	60699828	29087(31681)	8007	\$20.00	\$74,747.55
05/02	100	11130206	29306(31922)	8007	\$20.00	\$74,727.55
05/02	101	11123201	29325(31795)	8007	\$20.00	\$74,707.55
05/02	102	11196732	28962(31428)	8007	\$20.00	\$74,687.55
05/02	103	11130206	29306(31921)	8007	\$20.00	\$74,667.55
05/02	29	10276080	1567/68482/J	1401	\$500.00	\$74,167.55
05/02	20	11359514	31208	2051	\$65.00	\$74,102.55
05/02	21	11354899	30892	1051	\$130.00	\$73,972.55
05/02	22	11349977	30971	2051	\$65.00	\$73,907.55
05/02	29	11354931	30794	2051	\$65.00	\$73,842.55
05/02	125	10009809	24025-501NATL	2801	\$395.00	\$73,447.55
05/02	127	10009809	24025-501NATL	2253	\$510.00	\$72,937.55
05/02	126	10009809	24025-501NATL	2202	\$150.00	\$72,787.55
05/02	222	10607103	25821(27460)	1501	\$1,400.00	\$71,387.55
05/02	223	10607103	25821(27460)	1504	\$300.00	\$71,087.55
05/02	665	10545683	30374	2632	-\$250.00	\$71,337.55
05/02	666	10545683	30374	2642	\$200.00	\$71,137.55
05/03	46	60796189	31945	2005	\$100.00	\$71,037.55
05/03	413	10130137	02/23583	2501	\$700.00	\$70,337.55
05/03	415	10921126	28423	1501	\$1,400.00	\$68,937.55
05/03	416	10921126	28423	1504	\$300.00	\$68,637.55
05/03	4	10276080	1567/68482/J	1401	-\$500.00	\$69,137.55
05/03	5	10276080	1567/68482/J	2401	\$250.00	\$68,887.55
05/03	30	11411769	31783	8021	\$40.00	\$68,847.55



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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JFW

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature	<i>Martin D. Moynihan</i>	Date	May 1, 2006

Adjustment date: 11/30/2007 SFELEKE1
05/02/2006 SZEWDIE1 00000077 501407 10009809
02 FC:2202 150.00 CR

05/02/2006 SZEWDIE1 00000077 501407 10009809

01 FC:2881 395.00 DA
02 FC:2202 150.00 DA

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